

Please amend claim 12 as follows:

**Claim 12 (amended):** The government issued vehicle license plate of claim 10, wherein said means for displaying identification indicia is a metallic ~~or non-metallic~~ plate.

Please add claim 20 as follows:

**Claim 20 (new):** The government issued vehicle license plate of claim 10, wherein said means for displaying identification indicia is a non-metallic plate.

#### LISTING OF CLAIMS

**Claim 10 (as filed):** A government issued vehicle license plate comprising:

- a) means for displaying identification indicia; and
- b) a combination of alphanumeric and non-alphanumeric identification indicia displayed on said means for displaying identification indicia, wherein said non-alphanumeric identification indicia are comprised of conventionally recognized symbols.

**Claim 11 (as filed):** The government issued vehicle license plate of claim 10, wherein said non-alphanumeric identification indicia are selected from the group consisting of a dollar sign, a cents sign, a question mark, an exclamation mark, and a lightning bolt symbol.

**Claim 12 (amended):** The government issued vehicle license plate of claim 10, wherein said means for displaying identification indicia is a metallic ~~or non-metallic~~ plate.

**Claim 13 (as filed):** A government issued vehicle license plate comprising:

- a) means for displaying identification indicia; and

b) a combination of non-alphanumeric identification indicia displayed on said means for displaying identification indicia, wherein said non-alphanumeric identification indicia are comprised of conventionally recognized symbols.

**Claim 14 (as filed):** The government issued vehicle license plate of claim 13, wherein said non-alphanumeric identification indicia are selected from the group consisting of a dollar sign, a cents sign, a question mark, an exclamation mark, and a lightning bolt symbol.

**Claim 15 (as filed):** A method for making a government issued vehicle license plate

comprising the steps of:

a) providing a means for displaying identification indicia; and

b) displaying a combination of alphanumeric and non-alphanumeric identification indicia on said means for displaying identification indicia, wherein said non-alphanumeric identification indicia are comprised of conventionally recognized symbols.

**Claim 16 (as filed):** A method for making a government issued vehicle license plate comprising the steps of:

a) providing a means for displaying identification indicia; and

b) displaying a combination of non-alphanumeric identification indicia on said means for displaying identification indicia, wherein said non-alphanumeric identification indicia are comprised of conventionally recognized symbols.

**Claim 17 (withdrawn):** A financial institution issued debit/credit card comprising:

- a) a magnetic stripe card; and
- b) a combination of alphanumeric and non-alphanumeric identification indicia displayed on said magnetic stripe card, wherein said non-alphanumeric identification indicia are comprised of conventionally recognized symbols.

**Claim 18 (withdrawn):** The financial institution issued debit/credit card of claim 17, wherein said magnetic stripe card is deleted and replaced with a smart chip card.

**Claim 19 (withdrawn):** The financial institution issued debit/credit card of claim 17, wherein said non-alphanumeric identification indicia are selected from the group consisting of a dollar sign, a cents sign, a question mark, an exclamation mark, and a lightning bolt symbol.

**Claim 20 (new):** The government issued vehicle license plate of claim 10, wherein said means for displaying identification indicia is a non-metallic plate.

#### **REPLY**

In response to the Final Rejection mailed on August 29, 2005, each one of the cited references has been reviewed, and the rejections of the claims, by Primary Examiner Gary C. Hoge have been considered.

#### **REQUEST TO WITHDRAW PREMATURE FINAL REJECTION**

Applicant hereby requests that this Final Rejection, which is in Applicant's opinion premature on the merits of this case, be withdrawn pursuant to MPEP Sections 706.07(c), 706.07(d) and 706.07(e).

**NO PERSONAL INTERVIEW GRANTED**

MPEP Section 714.12 states that "The prosecution of an application before the examiner should ordinarily be concluded with the final action. **However, one personal interview by applicant may be entertained after such final action if circumstances warrant.**" Applicant would like to point out that no personal interview was granted in this case, within the time from mailing of the Final Rejection and transmission of this reply. As it turns out, this was because of availability problems with the Patent Attorney of Record. For nearly a ten day period in October, Richard Clarke had a family emergency and had to be out of town to take care of matters beyond his control. Therefore, the lack of a personal interview was in no way caused by the Examiner, but was entirely caused by the Attorney of Record in the instant application. For all of the foregoing reasons, Applicant feels that this does not represent fair due process, and, as a result requests that this Final Rejection be withdrawn. Applicant believes strongly, that these circumstances rise to the level of a good showing why the former examiner's final rejection should be withdrawn. Applicant respectfully requests such action now on this case.

**REQUEST THAT THIS AMENDMENT BE ENTERED**

The claims presently on file in the above-identified application, as amended herein, are now believed to be written in full, clear, concise and exact terms as to be enabling to one skilled in the art, and therefore allowance of these claims is earnestly solicited. In amending these claims, no new matter has been added. Applicant hereby respectfully requests, pursuant to 37 CFR 1.116 and MPEP Section 714.12, that this amendment be entered. This amendment places the application either in condition for allowance or in better form for appeal, and therefore it may be entered by the examiner.

**Disposition of the Claims**

Claims 17-19 have been withdrawn.

Claims 10-16 have been rejected under 35 USC 102(b) as being anticipated by DMV, in particular pages 1 and 2 from web site reference "U," namely:

[www.dmv.dot.nc.us/VehicleRegistration/specializedlicenseplates/personalized\\_rules.html](http://www.dmv.dot.nc.us/VehicleRegistration/specializedlicenseplates/personalized_rules.html).

<05-GAL/101/AmendResp/B>

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**Claims Rejections - 35 USC §102(b)**

1. The Examiner has stated that "Regarding claims 10, 13, 15 and 16, page 2 of the DMV reference shows that at least a year before filing the instant application the North Carolina Department of Motor Vehicles, a government agency, approved the issuance of official license plates including non-alphanumeric identification indicia."
2. The Examiner has also stated that "Regarding claims 11 and 14, the non-alphanumeric indicia approved by the North Carolina Department of Motor Vehicles included the dollar sign and the question mark."
3. The Examiner has pointed out that "Regarding claim 12, every object in the universe is either metallic or non-metallic."

**REPLY TO EACH OF EXAMINER'S POINTS**

The following is a reply to Examiner Hoge's 3 enumerated points for rejection:

1. Applicant disagrees with the Examiner's analysis here on two levels: (A) the North Carolina DMV web site as shown and cited herein was not published more than one year before the filing of the instant application, and (B) the DMV reference does not contemplate or even suggest that the non-alphanumeric indicia be used for the purpose pointed out and claimed in the instant application, namely, as identification indicia, rather than the clearly intended "personalization" of license plates. In fact, a personal communication with the NC DMV shows that the indicia are for *decorative purposes only* (see below and letters attached hereto).

(A) The DMV reference cited herein was published on June 20, 2003. The instant application was filed on April 22, 2004. It is clear that a 102(b) rejection here is not warranted as the span of time between the publication of the DMV reference cited by the Examiner is actually less than one year prior to the filing date, by close to two months. Examiner Hoge has not cited any references that were published more than one year prior to the filing date, namely, before April 20, 2003. All of the references cited do not meet the criteria for a 102 (b) rejection.

All of the references cited in the Final Rejection of claims are based upon the publication of web sites, namely, the four Non-Patent Documents referenced on Form PTO-892

(U, V W and X). The one year date prior to filing the instant application would be April 20, 2003. The cited references are all dated June 20, 2003 (NC DMV reference) and later. None of the cited references were published and therefore available to the public prior to April 20, 2003. Therefore, the cited references do not apply as support for a 102 (b) rejection.

The examiner states that "page 2 of the DMV reference shows that at least one year before the filing of the instant application...." There is no date shown on page 2. There is no indication of timing or availability of the personalized plates on page 2. Page 2 only states that "Generally, the plate will be manufactured and shipped to the Division of Motor Vehicles in two weeks."

MPEP Section 706.07(e) states that "The examiner may withdraw the rejection of finally rejected claims. If new facts or reasons are presented such as to convince the examiner that the previously rejected claims are in fact allowable or patentable...then the final rejection should be withdrawn." Therefore, Applicant respectfully requests that the Examiner withdraw the final rejection and allow Applicant to respond to a second office action without the onus of a final rejection upon him.

(B) The DMV reference does not contemplate or even remotely suggest that the non-alphanumeric indicia be used for the purpose pointed out and claimed in the instant application, namely, *as identification indicia*, rather than the clearly intended "personalization" of license plates. Attached is a letter to Applicant, dated September 22, 2005, from the North Carolina DMV, specifically, a Ms. Kay Hatcher, Supervisor of the Special License Unit. The letter specifically states that the non-alphanumeric "punctuation characters to be displayed on personalized license plates for decorative purposes only and not for identification."

Furthermore, this "decorative purposes" is supported by another letter (e-mail) to Applicant from Specialist David C. Richards of the NC State Highway Patrol (see attached). In his letter Specialist Richards specifically states that "the practice is to utilize ONLY Alpha/Numeric text for identification purposes." "Symbols...are only used for decorative purposes and are not included for identification purposes." And "even if a Trooper were to include the sign 'verbally' through a radio transmission, it would be ignored for inquiry purposes."

Applicant's invention is titled "License Plate Identification Display" and throughout the application explains and discloses the purpose of the non-alphanumeric indicia to